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JOO, JOSHUA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/084,174	Applicant(s) JIANG ET AL.	
	Examiner JOSHUA JOO	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-17, 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office action is in response to the communication filed 09/08/2008.
Claims 1-10, 12-17, 19-22 are pending for examination.

Response to Arguments

2. Applicant's arguments filed 09/08/2008 have been fully considered but they are not persuasive.
Applicant argued that:

3. 1) The message in Oyama is received by a bearer, while the claimed subject matter expressly requires the access network to receive the message. A bearer is an intermediary node that helps set up a connection, while an access network is a destination point. The signaling QoS indicator identifies pre-established information in a bearer/node, not pre-established information in an access network.

4. In response, the claims are given the broadest reasonable interpretation in light of the specification, and limitations from the specification are not read into the claims. Oyama teaches,

“A signaling bearer quality of service profile is pre-established and configured in various nodes in an access network.” (Paragraph 0043)

“For example, such a bearer could be a session signaling bearer between the mobile terminal and a policy control server in the multimedia system 26 through the radio access network 22 and the packet-switched access network 24. (Paragraph 0068)

“The signaling quality of service profile may be configured in each node in the radio access network 22 and the packet-switched access network 24 before any session is ever initiated. In other words, because the signaling QoS characteristics are preset, there is no need for signaling QoS characteristics to be negotiated and configured during session setup. Setting of the signaling QoS indicator causes nodes that will support the bearer to retrieve the signaling QoS profile already-configured in those nodes.” (Paragraph 0070)

“Radio access nodes such as a radio network controller (RNC) and GPRS nodes including the SGSN and GGSN are configured with a quality of service profile for signaling bearers. As described above, such a signaling profile is optimized for signaling bearers in terms of quality of service characteristics, i.e., low delay, low bit error rate, bursty traffic pattern, and/or high priority (block 202).” (Paragraph 0077)

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As cited above, Oyama teaches that a node of an access network receives a message and identifies pre-established information. Therefore, an access network receives the message. It is also respectfully noted that the claims do not define the access network as a destination point.

5. (2) The Office action fails to establish a prima face 103 rejection. The Office action does not give any reasoning as to why the Rasanen and Oyama references should be combined. The Office action does not state how the Rasanen bit values (corresponding with data compression) can be combined with Oyama message to make a token bit message sent to an access terminal. If the message sent to the nodes in Oyama were bit values corresponding to data compression, then the Oyama invention would be inoperable.

6. In response, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, to further clarify, Rasanen is not relied upon solely for teaching of a bit value corresponding with data compression but is relied upon to show that the feature of a sending a message comprising a bit associated with a parameter group type is well known in the art (Paragraph 0053). The bit associated with a parameter indicates whether the parameter is used or not. Oyama teaches of sending a message comprising an indicator that indicates that a default (QoS) profile is to be used. The default profile may comprise a plurality of different default parameters, e.g. delay, priority, and error ratio (Paragraphs 0078-0084). Oyama also teaches that an access terminal may indicate that a different quality of service be used (Paragraph 0103).

7. If one bit is used to indicate a parameter as taught by Rasanen, it would have been obvious to one of ordinary skill in the art to have implement more than one bit to indicate more than one parameters if

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there is more than one parameter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to indicate that an access terminal operates according to default parameters via a message by having the different parameters as taught by Oyama be indicated and represented by a bit (0 or 1) associated with a parameter in a message as taught by Rasanen. The combination would allow an access terminal to indicate different quality of service, which is suggested by Oyama and Rasanen, and enable establishment of a connection with specific default parameters.

8. (3) Examiner agreed to the feature in order to overcome the Tunnanen reference. Applicant agreed to add said feature to clarify the claim for the Examiner and place the claim in allowable form.

9. In response, Examiner agreed that the amendment would overcome the Tunnanen reference. However, Examiner did not agree that the claim was allowable. The rejection of claims under 35 USC 112 first paragraph is withdrawn in view of Applicant's explanation of support by the specification.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama et al. US Publication #2002/0114305 (Oyama hereinafter), in view of Rasanen, US Publication #2005/0286418 (Rasanen hereinafter).

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12. As per claims 1 and 19, Oyama teaches substantially the invention as claimed including a method for configuring negotiation in a data communication system comprising:

storing parameter groups of parameter group types previously established between an access network and an access terminal (Paragraph 0043; 0070. Preset/pre-established QoS characteristics.);

receiving, at an access network, an access request and a token from an access terminal, the token including at least one bit associated with a parameter group type, the at least one bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type (Paragraphs 0043; 0068; 0085. Mobile terminal initiates by the mobile terminal. A message is sent with a QoS indicator or flag set to establish a connection using a pre-established QoS profile. Paragraphs 0044; 0077. Pre-established QoS profile includes delay and error rate.);

sending information to and receiving information from the access terminal according to the default parameter group without negotiating parameters for the associated parameter group type and without sending the parameters for the associated parameter group type to the access terminal when a portion of the access network communicating with the access terminal operates according to the default parameter group for the associated parameter group type and the request indicates the access terminal operates according to the default parameter group for the associated parameter group type (Paragraph 0070. There is no need for QoS characteristics to be negotiated or configured. QoS profile already configured in nodes. Claims 1-2. Initiate session using the bearer configured with QoS profile.).

13. Oyama also does not specifically teach of the token including a token including a plurality of bits, each bit associated with a different parameter group type.

14. Rasanen teaches a similar system comprising of transmitting a message comprising an element that indicates services and protocol, wherein a bit (0 or 1) is used for indication of a parameter (Paragraph 0053).

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15. Oyama teaches of a plurality of default parameters associated with a pre-established QoS, i.e. default, profile and teaches of the mobile node specifying settings varying from the pre-established QoS profile (Paragraph 0103). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to indicate that an access terminal operates according to the different default parameters via a message by having the different default parameters as taught by Oyama be indicated and represented by a bit (0 or 1) associated with a parameter in a message as taught by Rasanen. The combination would allow an access terminal to indicate different quality of service, which is suggested by Oyama and Rasanen, and enable establishment of a connection with specific default parameters.

16. As per claim 2, Oyama teaches the method of claim 1, wherein a parameter group type is a type of protocol, and a parameter group in the parameter group type is a specific protocol in the parameter group type (Paragraph 0077. QoS service. Delay, error rate, priority.).

17. As per claim 3, Oyama teaches the method of claim 1, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group for the associated parameter group type when (i) the portion of the access network communicating with the access terminal operates according to a parameter group other than the default parameter group for the associated parameter group type and the bit indicates the access terminal operates according to the default parameter group for the associated parameter group type, or (ii) the portion of the access network communicating with the access terminal operates according to the default parameter group for the associated parameter group type and the bit indicates the access terminal operates according to a parameter group other than the default parameter group for the parameter group type (Paragraph 0103. If the QoS indicator is not set, a bearer may be set up with different quality of service if subscriber is willing to accept lower QoS.).

18. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama and Rasanen, in view of Immonen et al, US Publication #2002/0132611 (Immonen hereinafter).

19. As per claim 4, Oyama teaches the method of claim 1, further comprising: first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0103. If QoS indicator is not set, this may indicate set up of different quality of service. Paragraph 0044. Establish bearer with other QoS class/profile.). Oyama does not specifically teach the method of sending information to and receiving information from the access terminal according to the stored parameter group of the associated parameter group type for the access terminal without negotiating a parameter group of the associated parameter group type when a portion of the access network communicating with the access terminal operates according the stored parameter group for the associated parameter group type.

20. Immonen teaches of sending information to and receiving information from a mobile node without negotiating a parameter group type to the access terminal when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the associated parameter group type (Paragraph 0056. Request specific QoS profile. Paragraph 0057-0058. If the QoS profile is acceptable, establish connection using the requested QoS profile. Paragraph 0061. No negotiation for priority in received profile.).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send information to and receiving information from a mobile node without negotiating a parameter group type to the access terminal when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the

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associated parameter group type. The motivation for the suggested combination is that Immonen's teachings would improve Oyama's system by enabling the set up of a connection with different QoS while reducing communication between nodes.

22. As per claim 7, Oyama teaches of a bit indicating that the access terminal is not operating according to the default parameter group. Oyama does not specifically teach the method of claim 4, further comprising: second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

23. Immonen further teaches the method of second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal and the request indicates the access terminal is not operating according to a default parameter group (Paragraph 0048. Obtain subscriber specific profile from the HLR if not available at the SGNS).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal and the request indicates the access terminal is not operating according to a default parameter group. The motivation for the suggested combination is that Immonen's teachings would improve the suggested system by allowing a node to access subscribed values of a QoS.

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25. Claims 5-6, 8-9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama, Rasanen, and Immonen, in view of Balazinski et al. US Publication #2002/0097707 (Balazinski hereinafter).

26. As per claim 5, Oyama does not specifically teach the method of claim 4, further comprising sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal.

27. Balazinski teaches an invention for a mobile station to indicate a pre-negotiated profile comprising of: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal (Paragraph 0035. If pre-stored user profile is not supported, perform negotiations. Paragraph 0039. If the node can derive a similar profile, indicate that a parameter is not acceptable.).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal. The motivation for the suggested combination is that

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Balazinski's would improve the suggested system by allowing the mobile node and the access network to determine acceptable parameters to establish a connection.

29. As per claim 6, Oyama and Immonen teach the method of claim 4, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type (Paragraph 0086. Negotiated profile. Paragraph 0130. Accept quality of service.). Oyama does not specifically teach of negotiating when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

30. Balazinski teaches an invention comprising of a mobile station indicating a pre-negotiated profile, wherein parameters are negotiated when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal (Paragraphs 0035. Step 206 is full negotiation process. Paragraph 0038. Determine that the node does not have a pre-stored user profile and move to step 206.).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to negotiate parameters when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and the access network to determine acceptable parameters to establish a connection.

32. As per claim 8, Oyama and Immonen teach of the method of claim 7, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type and attempting first and second accessing (Paragraph 0086. Negotiated profile. Paragraph 0130. Accept quality of service.). Oyama and Immonen do not

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specifically teach of when the first and second accessing steps fail to access a stored parameter group of the associated parameter group type for the access terminal.

33. Balazinski teaches an invention comprising of a mobile station indicating a pre-negotiated profile, wherein parameters are negotiated when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal (Paragraphs 0035; 0038).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to negotiate parameters when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal as taught by Balazinski during the first and second accessing as taught by suggested system. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and access network to determine acceptable parameters to establish a connection.

35. As per claims 9 and 20, Oyama does not explicitly teach the method of claims 6 and 8, further comprising sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

36. Balazinski teaches of sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete (Paragraph 0010-0011. Send message comprising of parameters.).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and access network to determine acceptable parameters to establish a connection.

38. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama and Rasanen, in view of Balazinski.

39. As per claim 10, Oyama does not explicitly teach the method of claim 3, further comprising sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

40. Balazinski teaches of sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete (Paragraph 0010-0011. Send message comprising of parameters.).

41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and access network to determine acceptable parameters to establish a connection.

42. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama, in view of Immonen and Rasanen.

43. As per claim 12, Oyama teaches substantially the invention as claimed including a method for configuration negotiation in a data communication system, comprising:

receiving, at an access network, an access request and a token from an access terminal, the token indicating at least one bit associated with a parameter group type, the at least one bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type (Paragraphs 0043; 0068; 0085. Mobile terminal initiates by the mobile terminal. A message is sent

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with a QoS indicator or flag set to establish a connection using a pre-established QoS profile. Paragraphs 0044; 0077. Pre-established QoS profile includes delay and error rate.);

first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group type to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0103. If QoS indicator is not set, this may indicate set up of different quality of service. Paragraph 0044. Establish bearer with other QoS class/profile.); and

sending information to and receiving information from the access terminal according to the stored parameter group of the associated parameter group type for the access when a portion of the access network communicating with the access terminal operates according the stored parameter group for the associated parameter group type (Paragraph 0103. Set up a signaling bearer with different QoS or inactive QoS.).

44. Oyama teaches of without sending the parameters for the associated parameter group type to the access terminal when the access terminal is operating according to a default parameter group type when the access terminal is operating according to a default parameter group type. Oyama does not specifically teach of without negotiating a parameter group of the associated parameter group type and without sending the parameters for the associated parameter group type to the access terminal when the access terminal is not operating according to a default parameter group type. Oyama also does not specifically teach of using a token including a plurality of bits, each bit associated with a different parameter group type.

45. Immonen teaches of sending information to and receiving information from a mobile node without negotiating a parameter group of the associated parameter group type and without sending the parameters for the associated parameter group type to the access terminal when the access terminal is not operating according to a default parameter group type (Paragraph 0056. Request specific QoS profile.

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Paragraph 0057-0058. If the QoS profile is acceptable, establish connection using the requested QoS profile.).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send information to and receiving information from a mobile node without negotiating a parameter group of the associated parameter group type and without sending the parameters for the associated parameter group type to the access terminal when the access terminal is not operating according to a default parameter group type. The motivation for the suggested combination is that Immonen's teachings would improve Oyama's system by enabling the set up of a connection with different QoS while reducing communication between nodes.

47. Rasanen teaches a similar system comprising of transmitting a message comprising an element that indicates services and protocol, wherein a bit (0 or 1) is used for indication of a parameter (Paragraph 0053).

48. Oyama teaches of a plurality of default parameters associated with a QoS profile and teaches of the mobile node specifying settings varying from the pre-established QoS profile (Paragraph 0103). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to indicate that an access terminal operates according to the default parameters via a message by having the different parameters as taught by Oyama be indicated and represented by a bit (0 or 1) associated with a parameter in a message as taught by Rasanen. The combination would allow an access terminal to indicate different quality of service, which is suggested by Oyama and Rasanen, and enable establishment of a connection with specific default parameters.

49. As per claim 15, Oyama teaches the method of claim 12, further comprising of the at least one bit indicating that the access terminal is not operating according to the default parameter group (Paragraphs 0085; 0103. The QoS indicator or flag is not set.). Oyama does not specifically teach of second accessing

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memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

50. Immonen further teaches an invention comprising second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal and the request indicates the access terminal is not operating according to a default parameter group (Paragraph 0048. Obtain subscriber specific profile from the HLR if not available at the SGNS).

51. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal and the request indicates the access terminal is not operating according to a default parameter group. The motivation for the suggested combination is that Immonen's teachings would improve the suggested system by allowing a node to obtain subscribed values of a QoS.

52. Claims 13-14, 16-17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama, Immonen, and Rasanen, in view of Balazinski.

53. As per claim 13, Oyama does not specifically teach the method of claim 12, further comprising sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which

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is different from the stored parameter group of the associated parameter group type for the access terminal.

54. Balazinski teaches an invention for a mobile station to indicate a pre-negotiated profile comprising of: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal (Paragraph 0035. If pre-stored user profile is not supported, perform negotiations. Paragraph 0039. If the node can derive a similar profile, indicate that a parameter is not acceptable.).

55. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and the access network to determine acceptable parameters to establish a connection.

56. As per claim 14, Oyama and Immonen teach the method of claim 12, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type (Paragraph 0086. Negotiated profile. Paragraph 0130. Accept quality of service.). Oyama does not specifically teach of negotiating when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

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57. Balazinski teaches an invention comprising of a mobile station indicating a pre-negotiated profile, wherein parameters are negotiated when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal (Paragraphs 0035. Step 206 is full negotiation process. Paragraph 0038. Determine that the node does not have a pre-stored user profile and move to step 206.).

58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to negotiate parameters when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and the access network to determine acceptable parameters to establish a connection.

59. As per claim 16, Oyama and Immonen taught the method of claim 15, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type and attempting first and second accessing (Paragraph 0086. Negotiated profile. Paragraph 0130. Accept quality of service.). Oyama and Immonen do not specifically teach of when the first and second accessing steps fail to access a stored parameter group of the associated parameter group type for the access terminal.

60. Balazinski teaches a system comprising of a mobile station indicating a pre-negotiated profile, wherein parameters are negotiated when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal (Paragraphs 0035; 0038).

61. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to negotiate parameters when a service node fails to access a stored parameter group of the associated parameter group type for the access terminal as taught by Balazinski during the

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first and second accessing as taught by suggested system. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and access network to determine acceptable parameters to establish a connection.

62. As per claims 17, 21, and 22, Oyama does not explicitly teach the method of claims 13, 14, and 16 further comprising sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

63. Balazinski teaches of sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete (Paragraph 0010-0011. Send message comprising of parameters.).

64. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to send the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete. The motivation for the suggested combination is that Balazinski's would improve the suggested system by allowing the mobile node and access network to determine acceptable parameters to establish a connection.

Conclusion

65. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

66. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

67. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned 571-273-8300.

68. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454